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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,364	03/26/2004	Kiyoaki Egawa	Q80674	7561
23373 7590 01/04/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER LOWE, MICHAEL S	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 01/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/809,364

**Applicant(s)**

EGAWA, KIYOAKI

**Examiner**

M. Scott Lowe

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/24/07 & 10/9/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3652

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/07 & 10/9/07 has been entered.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the convex and concave portions of claim 3, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant's reference to figure 11 is noted but not understood. It is unclear where the concave and convex portions are shown.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102/103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,11-17, are rejected under 35 U.S.C. 102(b) as being anticipated by Takeshi (2002-025167) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Takeshi (2002-025167) in view of Yosheida (US 4,655,662).

Re claim 1,16,17, Takeshi teaches an apparatus for transporting a storage medium 9 from a holder 20 to a storage device D, said apparatus comprising:

- a base 4;
- a carriage 30,5 driven by first driving force, said carriage being movable relative to said base 4 between said holder 20 and said storage device D;
- a picker (31,34,etc.) provided on said carriage 30 and driven by second driving force, said picker selectively loading and unloading said storage medium 9;
- a first driving device (52,etc.) generating said first driving force;
- a second driving device (51A,etc.) provided on said base and generating said second driving force; and
- a transmission mechanism (51A,51a,etc.) transmitting said second driving force from said second driving device to said picker allowing movement of said carriage;

wherein said picker has a gripper (34,39) which includes first and second parts (various, 34,39) which are linked to each other rotatably (33,38 rotates and is the center part of the link between 34-34, 39-39) around an axis (the rotation axis of 33,38);

wherein said carriage has cams which make said gripper open or close in response to the movement of said picker (gripper opens and closes to grab and release the storage medium 9 only at the location of the medium, since the gripper only gets to that spot by movement of the picker and its associated cams 33,38,etc., then it is taught that the gripper opens and closes in response to the picker's movement and the cams associated with that movement).

If it is determined that the said carriage lacks cams which make said gripper open or close in response to the movement of said picker then the following applies: Yoshieda teaches a carriage having cams 43,38 and a picker 15 with a gripper 17 which includes first and second parts which are linked to each other rotatably around an axis, wherein the gripper opens and closes in response to movement of the picker 15 in order to reduce power consumption (as opposed to a power actuated gripper). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Takeshi by the general teaching of Yosheida to have the carriage cams and a picker 15 with a gripper 17 which includes first and second parts which are linked to each other rotatably, wherein the gripper opens and closes in response to movement of the picker 15 in order to reduce power consumption.

Re claim 2, Takeshi teaches said transmission mechanism comprises a rotary shaft (51A,etc.) and a coupling device (51a,51b,etc.), and said coupling device is provided on said carriage and transmits torque from said rotary shaft to said picker allowing relative movement between said rotary shaft and said picker along a longitudinal axis of said rotary shaft.

Re claim 3, Takeshi teaches said rotary shaft (51A,etc.) has a convex portion in cross section, said coupling device (51a,51b,etc.) has a concave portion in cross section, and said convex portion of said rotary shaft fits said concave portion of said coupling device.

Re claim 11, Takeshi teaches said picker comprises a gripper assembly (31,34,etc.) grasping said storage medium 9.

Re claim 12, Takeshi teaches said picker comprises a support structure (31,32,etc.) translating said gripper assembly in a direction toward and away from said holder.

Re claim 13, Takeshi teaches said gripper assembly comprises an arm 34 and a guide 33 guiding said arm, said arm selectively assumes an open position and a closed position, said guide 33 has a curved portion such that said arm moves from said closed position to said open position as said arm approaches said holder and said arm moves from said open position to said closed position as said arm retreats from said holder.

Re claim 14, Takeshi teaches said holder is a library.

Re claim 15, Takeshi teaches said storage medium is housed in a cartridge 9.

### ***Claim Rejections - 35 USC § 103***

Claims 4,5,8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi (2002-025167) in view of Ono (JP 03-147564).

Re claims 4,5, Takeshi is silent regarding the rotary shaft having a polygonal/rectangular shape in cross section. Ono teaches that it is known to have the rotary shaft (30,40) having a polygonal/rectangular shape in cross section. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Takeshi by the general teaching of Ono to have the rotary shaft having a polygonal/rectangular shape in cross section as an equivalent alternative in order to make it easier to grip with a wrench and less likely to have undesired slippage in its couplings.

Re claim 8, Takeshi is teaches the transmission mechanism comprising a gear but is silent regarding a belt. Ono teaches that it is known to have the transmission mechanism (figures 1,3) comprising a gear and (elastic) belt. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Takeshi by the general teaching of Ono to have the transmission mechanism a gear and belt in order save weight relative use of all gear or gear and screw assemblies.

Re claim 9, Takeshi as already modified by Ono teaches said belt being elastic.

Re claim 10, Takeshi as already modified by Ono teaches said belt comprising a spring (the elastic belt itself can be considered a spring and also there are springs 38,44,etc. with the belts.)

### ***Conclusion***

Applicant's arguments filed 10/9/07 & 10/24/07 have been fully considered but they are not persuasive.

Applicant argued that the drawing objections were overcome since claim 3 was cancelled in this amendment. However, claim 3 (and its dependents claims 4 & 5) still appears on the listing of claims and is not listed as cancelled and so the objection must remain.

Applicant argued that the newly added limitations overcome the prior art. However, as noted above the claims as currently written are still broad enough to read on the noted references.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Michael Lowe* 12/31/07  
Michael Lowe  
Patent Examiner AU 3652